

QUESTIONS AND ANSWERS ON THE RIVER CORRIDOR DRAFT RFP

Fourth Set

January 25, 2002

1. The following is a restatement of a question responded to in the third set of questions and answers. The answer has been expanded upon somewhat. On page L3 of the draft RFP, does the sentence, “the Government intends to award a contract without discussions with offerors [except clarifications as described in FAR 15.306(a)]” exclude any discussions between Offerors and DOE during Proposal evaluation?

A. As the question pertains to the solicitation, the answer is yes; the proposal must stand on its own. It is important to realize that the term “discussions” has particular meaning in the FAR context. If discussions are held with any offeror, they must also be conducted with all offerors who are in the competitive range. Offerors should continue to have communications with DOE for day-to-day operational purposes and/or normal business reasons unrelated to the source selection. Offerors can always make contact with the River Corridor Contracting Officer. After the release of the final RFP, the River Corridor Contracting Officer controls all communications that pertain to the solicitation. It is unlawful for a person to knowingly obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

2. Regarding Interim Decisions Item 4 which addresses RFP Section B.6: Can “competitive solicitation” as it is used in this language also mean THIS competition – if the offeror’s proposal includes definitive costs for the workscope proposed to be performed by the teaming subcontractor?

A. No, the fee must be shared among the teaming partners. The term “competitive solicitation” refers only to new subcontracts that are competitively awarded subsequent to award of the prime contract, under a firm fixed price or firm fixed unit price basis. The RFP will be revised to clarify this point.

3. Table 3 in Section B acknowledges that new regulatory requirements qualify as a change beyond contractor control, implying that an equitable adjustment may be appropriate. If the change results in decreased costs, would there also be an expectation of an equitable adjustment?

A. Yes, in general this process works both ways. The Government may reasonably expect a reduction in target cost if regulatory requirements are relaxed. As with all such matters, there may, however, be a dependence on the particular circumstances.

4. What does DOE consider a “team” to be?

A. A team is considered to be the proposed performing entity, including any joint ventures, subcontracts, or other business arrangements proposed to perform any portion of the statement of work. The proposing entity does not necessarily include those companies that are existing subcontractors to the incumbent contractors whose subcontracts are being assumed by the successful offeror, so long as the scope of those subcontracts are not modified as a part of the offer, nor does it include any subcontracts put in place after award is made.

5. The DRFP for the RC requires contractors to compete on a variety of merits, including the submission of target costs. This is particularly difficult for a non-incumbent contractor. ...

Beyond providing the COE estimate, how does DOE-RL intend to mitigate inherent competitive advantage and possible conflict of interest?

A. Incumbent advantage does not represent a conflict of interest. The steps being taken by DOE to mitigate incumbent advantage were addressed in the first set of Q&As accompanying the release of the draft RFP. However, this subject is of sufficient importance to merit a restatement:

DOE has taken numerous steps to minimize incumbent advantage. First, phasing addresses this concern. The offeror's commitment to the more uncertain part of the work scope has been reduced, which makes the risk associated with the proposal more manageable for a non-incumbent. Second, sufficient time in the schedule has been provided for non-incumbents to study the scope of work and prepare a competent proposal, which includes the preparation of a target cost. Third, ample time has been provided for site tours. Fourth, sufficient time was provided in the schedule for interested parties to ask questions and comment on the draft Request for Proposals. The SEB evaluated each comment received for its potential to influence the final Request for Proposals. Fifth, the Department of Energy's independent cost estimate was posted on the River Corridor Closure Project web site last June and was updated when the cost estimate was revised in October. The web site also contains substantial technical data that expands upon, and provides details concerning the cost estimates and the scope of work. There is ample contingency in the cost estimate to reduce the probability that it understates the actual cost that will be incurred. Sixth, the Department of Energy has attempted to make the scope of work as clear as possible and has attempted to eliminate open ended or uncertain elements in the scope, such as groundwater remediation. Seventh, the SEB has chosen to exclude any evaluation of offerors' transition plans in the selection process. This step was taken primarily in the interest of reducing incumbent advantage. Eighth, the weights assigned to the evaluation factors have been chosen so as to reduce incumbent advantage. Moreover, the technical and management proposal is weighted more heavily than the cost proposal.

The Department of Energy held a conference with industry in March and collected input from interested parties on many issues including what could be done to minimize incumbent advantage. Many of the steps taken were in response to suggestions arising in those meetings. The Department of Energy conducted an additional conference with industry in November.

6. How does one reconcile, "Offerors are requested to only propose the use of technology presently in existence to perform the Statement of Work (Section C) of this RFP." with "Finally, Offerors are to propose specific examples of any technical innovations it proposes for reducing overall costs and accelerating restoration activities as specified in the scope of work." both of which are contained in Section L under Criterion 1?

A. As it pertains to the contract contemplated by this solicitation, the DOE does not wish to be responsible for the success or failure of any uncompleted R&D activity. However, such a consideration does not preclude innovation.

7. Under what scenarios can the earned fee become negative? For example, in a theoretical case, can safety penalties exceed the minimum earned fee?

A. There is no way earned fee could be negative. However, if the performer is heavily fined, it is theoretically possible the fines could exceed the earned fee, particularly if there has been severe action taken under the conditional payment of fee clause and the performer is

operating at or near minimum fee. This situation would probably imply egregious safety performance by the contractor.

8. Regarding Section L.7B Criterion 2(3), is the offering entity required to be the highest corporate affiliate or holding company within the Offeror's organization?

A. It is not required that the contract be signed by the senior entity. The senior entity should sign the performance guarantee and all organizational elements in the Offeror's organization, including the senior entity, should be considered by the Offeror when responding to Criterion 2(3) in the draft RFP.

9. Can RCRA waste be placed in ERDF?

A. RCRA waste can be placed into ERDF as long as the activities performed are also included in a CERCLA decision document. Then the waste is considered to be CERCLA waste and can be accepted at ERDF. Also, EPA and Ecology must approve this process.

10. Are there any waste sites associated with 618-10 & 11 excluded from the work scope?

A. There were 11 unplanned releases associated with 618-10 & 11, UPR-600-1, -2, -3, -4, -5, -6, -7, -8, -9, -10, and -22. None of these waste sites have been included in the RC SOW.

11. Paragraph L.4 requires a transition plan within 60 days of proposal submission, which will be significantly before contract award. Such a plan requires significant expenditure by the offeror. Will DOE consider relaxing this requirement and allow plan submittal after award?

A. It is common practice to require the transition plan to be submitted as a part of the proposal and for the transition plan to be evaluated by the SEB. The SEB decided against this procedure in the interest of reducing incumbent advantage, which was in response to a suggestion made in the March one-on-one meetings. However, it was decided the transition plans had to be submitted sufficiently in advance of actual transition to ensure there was agreement between DOE and the Offerors on the scope of work to be undertaken during this period. Since the transition period begins immediately following contract award, the associated plans must be received prior to award. If discussions turn out not to be required, then 60 days following proposal submission is about 30 days prior to award. If DOE were to allow transition plan submittal after award, there is a high probability that the transition would be adversely affected. The SEB has considered this worthy suggestion, but it has concluded that agreeing with this proposal would place the River Corridor contract at unnecessary and avoidable risk.

12. Does the 20% provision in Subsection B.9 (b) 3 apply also to the quantity of clean soil that is part of the basis of the cost estimate?

A. The SEB considers that the 20% provision only applies to waste. Clean soil is excluded from this provision.

13. Is the process for ISS of the F, H, and D reactors essentially the same as was demonstrated on the C reactor?

A. The process is essentially the same, within the limits of differences in configuration.

14. Attachment L11 assumes funding for 5 EE/CA documents for the 300 Area. Is it DOE's intention to have 5 EE/CA documents or is it up to the discretion of the RC Contractor and/or whatever can be negotiated with the regulators?

A. The number of EE/CA documents is at the discretion of the Contractor.

15. Why don't the numbers in Attachment 11 of Section L add up to the total?

A. Since the costs have been combined statistically, they will not add up to the totals at the 50% and 80% confidence levels. This table was prepared in its current form to provide added visibility on the uncertainties associated with each individual activity. It would have been possible to prepare this table by distributing the total project level uncertainty proportionately down to each activity. If this had been done, the sum of the activity numbers would add to the total. However, doing so would lose the information developed in the independent cost estimate regarding the estimators' assessments of the uncertainties associated with each activity. The procedure adopted in the formulation of Attachment 11 was done in the interest of preserving as much information as possible about the independent cost estimate.

16. Why was the WIDS data base information and the site atlas removed from the web?

A. This action was taken for security reasons following the events of September 11. The SEB has arranged for this information to be made available to prospective offerors remotely. Any one wishing access to the WIDS database and the site atlas should contact the Contracting Officer, at George_F_Champlain@rl.gov.

17. There were some aerial photographs shown to participants during the site tours in November. Would it be possible for the DOE to make those photographs available?

A. The aerial photographs will be available at the same location as the WIDS database and the site atlas.

18. Is there any rebaselining activity underway in the 300 Area that could affect preparation of target costs by Offerors?

A. On September 24, 2001, the 300 Area Contractor initiated a rebaselining effort for Building 324. Associated correspondence and the result of the rebaselining will be posted on the River Corridor Closure Project web site. The COE cost estimate will not be updated as a result of this contractor rebaselining.